

Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DISH NETWORK L.L.C.,

Plaintiff(s),

v.

VIRTUAL SYSTEMS, LLC and  
VYACHESLAV SMYRNOV,

Defendant(s).

NO. 2:24-cv-01683-BJR

DECLARATION OF TIMOTHY FRANK  
IN SUPPORT OF PLAINTIFF'S MOTION  
FOR ENTRY OF DEFAULT

I, Timothy Frank, declare as follow:

1. I am a partner at the law firm Hagan Noll & Boyle LLC, counsel for Plaintiff DISH Network L.L.C. ("DISH"). I am admitted *pro hac vice* in this case. I make this declaration based on my personal knowledge and, if called on to testify, would competently testify as stated herein.

2. DISH filed a proof of service (Doc. 12) showing Defendant Virtual Systems, LLC ("Virtual Systems") was served in the Commercial Court of Kyiv City, Ukraine on December 17, 2024, pursuant to the Hague Convention, which constitutes proper service under Federal Rule of Civil Procedure 4(f)(1).

3. DISH filed a proof of service (Doc. 11) showing Defendant Vyacheslav Smyrnov ("Smyrnov") was properly served under Federal Rule of Civil Procedure 4(f)(1) because service

1 was effected on him in the Solomyaskyi District Court of Kyiv City, Ukraine on February 6, 2025,  
2 in accordance with the Hague Convention.

3 4. Defendants have neither appeared in this case nor filed an answer or other response  
4 to DISH's complaint. Ukraine's Hague Convention Central Authority provided DISH a document  
5 that purports to be Defendants' response to DISH's complaint, which DISH filed with this Court  
6 as an exhibit to its May 13, 2025 status report (Doc. 13). Defendants did not serve this document  
7 on DISH and Defendants did not otherwise communicate to DISH any intent to participate in this  
8 case. The document itself is unsigned and does not identify licensed counsel for Virtual Systems.  
9 Therefore, DISH advised in its status report that it intended to move for default against Defendants  
10 because the document is not a proper response to DISH's complaint. Defendants, despite being  
11 served several months ago, have not contacted DISH concerning this case.

12 I declare under penalty of perjury that the foregoing is true and correct.

13 Executed on June 30, 2025.

14 s/ Timothy M. Frank  
15 Timothy M. Frank  
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**CERTIFICATE OF SERVICE**

I hereby certify that on June 30, 2025, I caused copies of this document to be served via CM/ECF to the counsel of record.

/s/ Gregory S. Latendresse  
Gregory S. Latendresse, WSBA #32787